Criminal Revision No.129 of 1994.

IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT CHANDIGARH

...

Date of Decision November 23, 2007.

Gopal Singh **...** Petitioner

VERSUS

State of Haryana **...**Respondent

1. Whether the Reporters of Local Newspapers may be allowed to see the judgment ?

2. To be referred to the Reporters or not ?

3. Whether the judgment should be reported in the Digest ?

CORAM :

HON'BLE MR. JUSTICE MOHINDER PAL.

Present: Mr. Rajinder Chahar, Advocate,
for the petitioner.

Mr. S.S. Goripuria, Deputy Advocate General, Punjab.

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MOHINDER PAL, J.

Petitioner Gopal Singh was sent up for trial for the offence punishable Section 16 (1) (a) (i) of the Prevention of Food Adulteration Act, 1954 (for short `the Act'), on the allegation that

on June 29, 1985, he was found in possession of twenty bottles of carbonated water (sweetened lemon) for public sale, which was found adulterated. The Chief Judicial Magistrate, Kurukshetra, vide judgment of conviction dated December 03, 1992, and the sentence order dated December 03, 1992, convicted the petitioner under Section 7 punishable under Section 16 (1) (a) (i) of the Act and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- and in default of payment of fine to undergo further simple imprisonment for a period of three months. Feeling aggrieved against his conviction and sentence order, the petitioner filed appeal before the Court of Session at Kurukshetra. Vide judgment dated February 02, 1994, the learned Additional Sessions Judge, Kurukshetra, upheld the judgment of conviction, but reduced the sentence of imprisonment to six months and maintained the sentence of fine. Hence this revision petition.

2. Learned counsel for the petitioner does not challenge his conviction. He, however, submitted that the occurrence relates to June 29, 1985. After a protracted trial, the petitioner was sentenced on December 03, 1992 by the trial Court and his appeal was dismissed on February 02, 1994. He prayed that although the petitioner remained incarcerated for about a fortnight, but keeping in view the fact that Sword of Damocles remained hanging over his head for more than twenty two years, lenient view may be taken against the petitioner and that the impugned sentence order may be modified.

3. In view of what has been stated above and keeping in view the fact that the petitioner was a first offender, I think no useful purpose will be served in sending the petitioner to prison again at this stage.

4. Consequently, conviction of the petitioner under Section 7 punishable under Section 16 (1) (a) (i) of the Act is maintained. However, the sentence of imprisonment is reduced to the one already undergone by him. The sentence of fine shall remain unaltered.The impugned sentence order stands modified to the extent indicated above.

This revision petition stands disposed of accordingly.

November 23, 2007. **(MOHINDER PAL)**
ak **JUDGE**